

### **REMARKS**

The Final Office Action of January 30, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-12 and 15-21 are currently pending. Claims 1-12 and 15-21 stand rejected. No new matter has been introduced into the application. In view of the above amendments and the remarks below, Applicant believes all the claims are in condition for allowance and respectfully request such action.

#### **No New Matter in Amended Claims**

Independent claim 1 was amended to recite “the client device communicating with the at least one server in a wireless browser independent manner.” Support for this amendment was found in the claim itself and also at least on page 8, lines 1-8 and page 5, lines 9-15 of the specification as filed, thus no new matter has been added.

Independent claim 8 was amended, among other things, to recite “the client device communicating with the application server computer in a wireless browser independent manner.” Support for this amendment was found in the claim itself and also at least on page 8, lines 1-8 and page 5, lines 9-15 of the specification as filed, thus no new matter has been added.

Independent claim 16 was amended to recite “the client device communicating with the at least one server in a wireless browser independent manner.” Support for this amendment was found in the claim itself and also at least on page 8, lines 1-8 and page 5, lines 9-15 of the specification as filed, thus no new matter has been added.

#### **Claim Rejections Under 35 USC §112**

*Claims 8-15 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Applicant has amended claim 8 in response to the objections for indefiniteness to particular claim language as indicated in the Office Action. Applicant submits claims 9-15, which depend from independent claim 8, are sufficient to particularly point out and distinctly claim the subject matter of the invention, thus these claims need not be amended. Applicant respectfully requests reconsideration of the objections based on the claim amendment.

### **Claim Rejections Under 35 USC §103**

*Claims 1 and 3-5 are rejected under 35 USC §103(a) as being unpatentable over Rowley, U.S. Patent No. 5,999,740 in view of Applicant Admitted Prior Art (hereinafter "AAPA").*

Applicant has amended claim 1 to further clarify Applicant's invention. Neither references cited by the Examiner as the basis for this rejection disclose, alone or in combination, all the features of the claimed invention.

Applicant has amended claim 1 to clarify that "the client device communicating with the at least one server in a wireless browser independent manner." Rowley fails to teach, disclose, or suggest the recited feature. Nowhere in Rowley is wireless communication for facilitating the downloading of applications in a browser independent manner discussed. In addition, AAPA fails to teach, disclose, or suggest the recited feature. Previously, the Examiner had not given patentable weight to the recited feature because the recitation occurred in the preamble. Applicant submits that the amended claim 1 overcomes the Examiner's concerns and respectfully requests that the Examiner withdraw the rejection and allow claim 1.

Therefore, for at least the above reason, Applicant respectfully submits that independent claim 1 is in condition for allowance. Claims 2-7 depend from independent claim 1 and are allowable for at least the same reason as independent claim 1, and further in view of various features recited therein.

*Claims 2 and 7 are rejected under 35 USC §103(a) as being unpatentable over Rowley, and AAPA as applied to claim 1 above, further in view of Bourcher, et al., U.S. Patent No. 6,910,047.*

Applicant respectfully submits that dependent claims 2 and 7 which ultimately depend from independent claim 1 are allowable for at least the same reasons as independent claim 1. In addition, nowhere in Bourcher is wireless communication for facilitating the downloading of applications in a browser independent manner discussed.

*Claims 6, 8, 10-12, 15-16, 18-20 are rejected under 35 USC §103(a) as being unpatentable over Rowley and AAPA as applied to claim 1 above, further in view of Ims, et al., U.S. Patent No. 6,665,867.*

Applicant respectfully submits that dependent claim 6 which ultimately depends from independent claim 1 is allowable for at least the same reasons as independent claim 1.

With respect to independent claim 8, the Office Action states that independent claim 8 “is rejected for the same reasons as claims 1 and 6 above.” Therefore, Applicant respectfully submits that independent claim 8 is allowable for at least the same reasons as stated above for claim 1. In addition, Applicant respectfully submits that Rowley, AAPA, nor Ims disclose, teach, or suggest the claimed feature of “the client device communicating with the application server computer in a wireless browser independent manner.”

Therefore, for at least the above reasons, Applicant respectfully submits that independent claim 8 is in condition for allowance. Claims 9-12 and 15 ultimately depend from independent claim 1 and are allowable for at least the same reason as independent claim 1, and further in view of various features recited therein.

For similar reasons discussed above with respect to independent claims 1 and 8, Applicant respectfully submits that Rowley, AAPA, nor Ims disclose, teach, or suggest the claimed feature of “the client device communicating with the application server computer in a wireless browser independent manner.”

Therefore, for at least the above reason, Applicant respectfully submits that independent claim 16 is in condition for allowance. Claims 17-21 which ultimately depend from independent claim 16 are allowable for at least the same reason as claim 16, and further in view of various features recited therein.

*Claims 9, 17 and 21 are rejected under 35 USC §103(a) as being unpatentable over Rowley, AAPA and Ims as applied to claims 6 and 16 above, further in view of Boucher.*

Applicant respectfully submits that dependent claims 9, 17, and 21 which ultimately depend from one of independent claims 8 or 16 are allowable for at least the same reasons as independent claim from which they ultimately depend.

### **CONCLUSION**

Applicant therefore respectfully requests reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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